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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: FOSAMAX PRODUCTS)	
LIABILITY LITIGATION)	
_____)	MDL NO. 1789
<i>This document relates to:</i>)	1:06-md-1789 (JFK)
David E. Tundel)	
v. Merck & Co., Inc.)	
Case No: 1:07-cv-6396-JFK)	
_____)	

**NOTICE OF MOTION OF DEFENDANT MERCK & CO., INC. TO DISMISS
PURSUANT TO FED. R. CIV. P. 41(a)(1)**

PLEASE TAKE NOTICE that, upon the Notice of Motion of Defendant Merck & Co., Inc., the Declaration of William J. Beausoleil, and the accompanying Memorandum of Law in Support of its Motion to Dismiss Pursuant to Fed. R. Civ. P. 41(a)(1), Defendant Merck & Co., Inc. will move this Court before the Honorable Judge John F. Keenan, in the United States Courthouse for the Southern District of New York, for an Order dismissing the above referenced case pursuant to Fed. R. Civ. P. 41(a)(1).

Dated: New York, New York
August 29, 2007

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /s/
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